



JPW

PATENT  
Customer No. 22,852  
Attorney Docket No. 08011.3006.00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
John B. Ferber et al. ) Group Art Unit: 2131  
 )  
Application No.: 09/610,197 ) Examiner: C.A. LaForgia  
 )  
Filed: July 1, 2000 )  
 )  
For: OPTIMAL INTERNET AD ) Confirmation No.: 6838  
PLACEMENT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY TO OFFICE ACTION**

In an Office Action mailed on November 4, 2004, the Examiner rejected claims 2-8, 12, 13, and 16-20 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,009,410 to *LeMole et al.* in view of U.S. Patent No. 6,560,578 to *Eldering*, further in view of U.S. Patent No. 6,591,248 to *Nakamura et al.* The Examiner also rejected claims 9, 10, 14, and 15 under 35 U.S.C. § 103(a) as being obvious over the combination of *LeMole*, *Eldering*, and *Nakamura et al.*, further in view of U.S. Patent No. 6,317,761 to *Landsman et al.* Finally, the Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being obvious over the combination of *LeMole*, *Eldering*, and *Nakamura et al.*, further in view of U.S. Patent No. 6,006,197 to *d'Eon et al.*

Applicants respectfully traverse each of these rejections. *Nakamura et al.* cannot be used to render any of the present claims obvious, alone or in combination, at least because *Nakamura et al.* does not qualify as prior art against the present application. The U.S. filing date of *Nakamura et al.*, November 29, 1999, does not pre-date the earliest U.S. filing date to which the present application is entitled, i.e., the November 8, 1999, filing date of U.S. Provisional Application No. 60/164,253. Therefore, *Nakamura et al.* does not qualify as prior art against the pending claims and cannot be used to reject them.

Because *Nakamura et al.* cannot be used to reject any of the pending claims, Applicants respectfully request withdrawal of the rejections, reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 4, 2005

By William J. Burgon, Reg. # 43,515  
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